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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 August 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-8 and 12-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-8 and 12-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August

30, 2007 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 4-8 and 12-15 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

4.   Claims 1, 4-7 and 12-15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kinnunen et al. (Kinnunen), U.S. Publication No. 2001/0018349 in

view of Geddes et al. (Geddes), U.S. Patent No. 7,142,840.

      Regarding Claims 1, 4 and 7, Kinnunen discloses a method in the mobile

communication terminal for differentially implementing functions of the mobile

communication terminal according to a class of a user, comprising the steps of: setting

at least one condition **(location and user profile; [0077])** for selecting at least one

function **(available services; [0077])** in order to differentially implement the at least one

function according to the class of the user **(the class of the user is based on**

information in the user profile; [0078]-[0091]); activating a menu **(the service agent**

provides the ME with the capability to browse applicable services based on

location and user profile) for selecting the at least one function available to the user

when the at least one preset condition is met **[0100], [0101] and [0125]**; informing the

user through a text message received by the mobile terminal from a mobile service

provider **(the network informs the ME of new available services in the form of URL**

text; [0108] and [0121]) of a change in the at least one function available to the user

after a change of the user's class **(the user's class can change when the ME moves**

into another service deployment area and when the ME modifies their user

profile; [0128] and [0138]); and applying the change in the at least one function

available to the user to the mobile communication terminal **(new services become**

available when the ME moves and when the ME makes changes to the profile this

reflects the results of profile matching done to find applicable and advertised

services; [0128] and [0138]).

Kinnunen fails to disclose wherein the text message includes a service code corresponding to the at least one function that changes due to the change in the class of the user.

In a similar field of endeavor, Geddes discloses a method and system for multi-network authorization and authentication. Geddes further discloses wherein the text message includes a service code corresponding to the at least one function that changes due to the change in the class of the user **(the system generates pass codes randomly for use with a particular transaction. The system may send a pass code to the user as a message to the user's mobile phone; Col. 3, lines 17-27; Col. 6, lines 4-17 and Col. 7, line 60-Col. 8, line 23)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to authenticate users requesting access to a service (Geddes-Col. 8, lines 49 and 50) based on location (Kinnunen).

Regarding Claim 5, the combination of Kinnunen and Geddes discloses the method as described above.

The combination of Kinnunen and Geddes further discloses wherein the step of applying the change in the at least one function comprises further comprises: requesting the user to input a service code corresponding to the at least one function that becomes available due to the change in the class of the user; and receiving the service code input by the user in response to the request **(Geddes-Col. 7, line 60-Col. 8, line 23)**.

Regarding Claim 6, Kinnunen discloses wherein the step of applying the change

in the at least one function comprises deactivating of a menu for selecting the at least

one function that becomes unavailable due to the change in the class of the user **(the

ME sends an unsubscribe message modifying those services to be avoided and

that are no longer required, these changes to the profile reflect the results of

profile matching done to find applicable and advertised services; [0138]).**

Regarding Claim 12, Kinnunen discloses wherein said control section activates

a menu for selecting the at least one function that becomes available due to the change

in the class of the user **(new services become available when the ME moves and

when the ME makes changes to the profile this reflects the results of profile

matching done to find applicable and advertised services; [0128] and [0138]).**

Regarding Claim 13, the combination of Kinnunen and Geddes discloses the

mobile communication terminal as described above.

The combination of Kinnunen and Geddes further discloses wherein said control

section requests the user to input a service code corresponding to the at least one

function that becomes available due to the change in the class of the user and receives

the service code input by the user in response to the request **(Geddes-Col. 7, line 60-

Col. 8, line 23).**

Regarding Claim 14, Kinnunen discloses wherein said control section

deactivates a menu for selecting the at least one function that becomes unavailable due

to the change in the class of the user **(the ME sends an unsubscribe message

modifying those services to be avoided and that are no longer required, these**

changes to the profile reflect the results of profile matching done to find

applicable and advertised services; [0138]).

Regarding Claim 15, Kinnunen discloses wherein the menu includes a plurality

of menu items **(set of services available)** each different from the other, each menu

item corresponding to a function of the mobile communication terminal **[0101]**.

5.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen

and Geddes in view of Vanttila et al (Vanttila), U.S. Patent No. 5,794,142.

Regarding Claim 8, the combination of Kinnunen and Geddes discloses the

mobile communication terminal as described above.

Kinnunen and Geddes fails to disclose wherein said memory stores information

including at least one of a function identification (ID) representing a unique number

assigned to the at least one function, a function name, a function type showing the at

least one condition for selecting the at least one function, and a service code

corresponding to the at least one function.

Vanttila discloses wherein said memory stores **(24)** information including at least

one of a function identification (ID) **(identification code)** representing a unique number

assigned to the at least one function, a function name **(feature name)**, a function type

(activation or deactivation, shown in table) showing the at least one condition for

selecting the at least one function, and a service code **(feature code)** corresponding to

the at least one function **(Col. 5, Table and lines 51-61)**.

At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to provide the claimed information for each service function to allow the

user to distinguish between the different services and to make their available selections by using the service/feature codes.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Espejo et al., U.S. Patent No. 6,748,066 discloses a pre-paid wireless interactive voice response system with variable announcements.
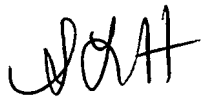
Kennedy, III et al., U.S. Patent No. 6,535,743 discloses a system and method for providing directions using a communication network.

Lohtia et al., U.S. Patent No. 6,560,456 discloses a system and method for providing subscriber-initiated information over the short message service (sms) or a microbrowser.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Heiber whose telephone number is 571-272-0886. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLH

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SUPERVISORY PRIMARY EXAMINER